

REMARKS

In response to the Advisory Action which indicates that the amendment requested by Applicants' earlier response would not be entered, the amendment to claim 1 has been submitted above in this Amendment to accompany a Request for Continued Examination (RCE) being filed herewith. New claim 12 has been added. No new matter has been added. Support for the amendment and for the new claim can be found in the Specification. Applicants respectfully request reconsideration of the present application in view of this response.

Claims 1 to 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,778,987 to Saaski et al. (the "Saaski reference").

Applicants' earlier remarks concerning the Saaski reference are incorporated in their entirety by reference herein. The Office Action refers to the Saaski reference's purported recitation of adding a coating to the outside of covers of a spectral modulation sensor in which a light absorbing and/or reflecting coating is added to the outer surface 25 of the etch stopped layer which forms the cover 28 for cavities 26. According to the Saaski reference, the coating is formed by using conventional vacuum deposition techniques to deposit two or more alternating layers of chrome and silicon on the outer surface 25 of the etch stopped layer of the silicon and glass wafer sandwich.

In the present application, claim 1 is directed to a scale for technical devices and requires a plurality of one of crystalline and amorphous first material layers having a first thickness and a plurality of one of *crystalline and amorphous* second material layers, *the first material layers being different from the second material layers so that the second material layers are readily distinguishable from the first material layers when imaged using one of high-resolution and ultrahigh-resolution imaging methods*, the second material layers having a second thickness and the first material layers alternating with the second material layers, wherein the first and second material layers are deposited by a material deposition method in the deposition direction. The Saaski reference is not believed to teach or suggest alternating crystalline and amorphous layers. And, the Saaski reference is not believed to teach or suggest that the material layers are deposited via a material deposition method in the deposition direction.

Accordingly, Applicants respectfully submit that claim 1, and its dependent claims 2 to 5, are allowable over the Saaski reference. Claim 6 and its dependent claim 7 contain some analogous features to claim 1 and are therefore allowable for essentially the same

reasons as claim 1. Thus, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 1 to 7.

Claims 8 to 11 were not rejected for any specific reason in the earlier Office Action. In view of the foregoing remarks and Applicants' remarks in earlier submissions to the Patent Office, Applicants respectfully submit that claims 8 to 11 are allowable.

Claim 12 has been added. No new matter has been added. Support for claim 12 can be found throughout the Specification and in the originally filed claims.

#### CONCLUSION

In view of all of the above, it is believed that any rejections of the claims have been obviated, and that all currently pending claims 1 to 12 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

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Respectfully submitted,  
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